

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA)

vs.)

David Scott Halsey)
_____)

Criminal Number 8:21-cr-107

ORDER

This matter is before the court on the motion of the defendant for a mental health evaluation. The government consents. The defendant has been charged in this court with violating Title 18, United States Code, Section 842(a)(3)(A) and Title 26, United States Code, Section 5861(d). It appears to the court that a psychiatric or psychological examination of the defendant should be ordered pursuant to Title 18, United States Code, Sections 4241 and 4247(b) and (c).

IT IS THEREFORE ORDERED:

(a) That the defendant be committed to a suitable federal facility for such reasonable period of time as is necessary for the conduct of such psychiatric or psychological evaluation as is herein requested, such period not to exceed ***forty-five (45) days from the date of admission***¹ to the designated facility without further order of the court.

(b) That the United States Marshal and the Bureau of Prisons are hereby directed to transport the defendant to such federal facility.

(c) That such psychiatric or psychological evaluation referred to herein be for the purpose of (1) determining whether or not, at the time of the criminal conduct alleged

¹This is comprised of the 30 days allowed in 18 U.S.C. §4247(b), plus the 15-day extension. This alleviates the necessity of the facility having to request the 15-day extension.

above, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts; and (2) determining whether or not the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

(d) That the evaluation be conducted by a licensed or certified psychiatrist or licensed psychologist as required by Title 18, United States Code, Section 4247(b).

(e) That upon completion of the evaluation as herein requested, the examiner(s) prepare a full report, such report to include all of the following as required by Title 18, United States Code, Section 4247(c):

- (1) The defendant's history and present symptoms;
- (2) a description of the psychiatric, psychological, and medical tests that were employed and their results;
- (3) the examiners' findings; and
- (4) the examiners' opinion as to diagnosis, prognosis, recommended treatment, whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to understand the nature and consequences of the proceedings against him or to assist properly in his defense.


(f) That the report herein requested be transmitted by electronic mail to the court at filingdocs_ecf_gren@scd.uscourts.gov and copies provided to Richard H. Warder, counsel for the defendant, P.O. Box 26133, Greenville, SC, 29616 (tel. 864-271-9955), counsel for the defendant; and Assistant United States Attorney Maxwell Barnes Cauthen, 55 Beattie Place, Suite 700, Greenville, SC 29601 (tel. 864-282-2100), as provided in Title 18, United States Code, Section 4247(c).

(g) That the time for the evaluation and hearing herein requested be excluded time in accordance with Title 18, United States Code, Section 3161(h)(1)(A), and that this case is continued for at least thirty (30) days after the date of the competency hearing.

(h) That the Clerk of Court is directed to transmit a copy of this order to both the United States Marshal and the Bureau of Prisons.

(i) That if, for any reason, the defendant is not moved to a federal facility for evaluation, the United States Marshal shall so inform this court in writing, accompanied by an explanation.

IT IS SO ORDERED.



s/Kevin F. McDonald
United States Magistrate Judge

May 27, 2021
Greenville, South Carolina